

MALDIVES 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Maldives is a multiparty constitutional democracy. In 2018 voters elected Ibrahim Mohamed Solih president. Observers considered the election mostly free and fair despite a flawed pre-election process, which was overseen by the former administration. Parliamentary elections held in 2019 were well administered and transparent according to local and international observers.

The Maldives Police Service is responsible for internal security and reports to the Ministry of Home Affairs. The Maldives National Defence Force is responsible for disaster relief and reports to the Ministry of Defence. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: harsh and life-threatening prison conditions; serious problems with the independence of the judiciary; serious restrictions on freedom of expression and media, including intimidation of journalists and online commentators; substantial interference with the freedom of peaceful assembly and freedom of association; particularly severe restrictions of religious freedom; lack of investigation of and accountability for gender-based violence; laws criminalizing consensual same-sex sexual conduct between adults that were enforced; and significant restrictions on workers' freedom of association.

The government took steps to investigate officials who committed human rights abuses. The government and judicial system were slow to investigate, prosecute and punish cases of corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities. The government made efforts to investigate disappearances reported in previous years.

In August the Prosecutor General's Office (PGO), at the request of the Presidential Commission on Enforced Disappearances and Deaths, charged one individual, Ismail Abdul Rahman, with aiding and abetting an act of terrorism, and two more individuals, Ahmed Ismail and Ahmed Muaz, with organizing an act of terrorism, over their involvement in the 2014 disappearance of reporter Ahmed Rilwan. Abdul Rahman was accused of stalking Rilwan ahead of his disappearance and assisting in his abduction and murder; Ismail and Muaz were accused of planning, organizing, and facilitating the abduction and murder of Rilwan by a separate group. The Criminal Court began preliminary hearings against all three defendants in September. In 2019 PGO declined the commission's request to charge two others, Mohamed Mazeed and Samith Mohamed, for orchestrating Rilwan's abduction, citing a lack of evidence. In 2021 the commission announced its intention to resubmit these cases to the PGO following further investigation but as of November had yet to do so, reporting its investigation was continuing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibit such practices, but there were complaints of torture and cruel, inhuman, or degrading treatment or punishment. The law permits flogging and other forms of corporal punishment, and security officials employed such practices. According to a Supreme Court guideline, the court must delay the execution of a flogging sentence of minors until they reach age 18. Between January and August, courts sentenced eight individuals to flogging but did not enforce the sentences.

As of August the Human Rights Commission of Maldives (HRCM) reported receiving 59 complaints of torture, twice the number of cases reported over the same period of the previous year. This included 45 accusations against the Maldives Police Service (MPS) and 10 against the Maldives Correctional Service (MCS). As of November HRCM continued investigating four cases, closed 33 due to lack of evidence, nine due to uncooperative victims or witnesses, and five as no human rights violations were identified. HRCM forwarded eight cases for prosecution and charges were filed in one case, as of November. The MPS did not investigate any officers accused of torture.

In August the Criminal Court concluded preliminary hearings and was set to begin trial hearings against eight police officers accused of beating a Bangladeshi suspect in 2019 during a police raid. The officers are charged with assault and destruction of property. MPS reported seven of the officers were demoted but not dismissed.

Prison and Detention Center Conditions

Conditions in most prisons were harsh and life threatening due to gross overcrowding, inadequate sanitary conditions, and medical care, but they generally met other international standards.

Abusive Physical Conditions: According to the Prisons and Parole Act, pretrial and remand detainees should be held separately from convicted prisoners, but this was not always done in facilities overseen by the MCS. The MCS oversaw and operated four prison facilities: Asseyri Prison, Hulhumale Prison and Detention Center, Maafushi Prison, and Malé Prison. The MPS operated Dhoonidhoo pretrial Detention Center and Malé Custodial Center. Authorities continued to hold undocumented migrant workers awaiting deportation or legalization within the security perimeter of a facility that also held convicts. Although the law requires the Ministry of Home Affairs to designate a separate facility to hold remanded detainees on trial, the MCS continued to hold them in facilities with convicts. As of August, MCS reported they held 201 detainees in a remand facility within Maafushi Prison with the capacity of 81. Observers reported that in some facilities remand detainees were kept in the same cells as convicted prisoners. The HRCM and defense lawyers continued to report gross overcrowding, poor ventilation, and inadequate hygiene and sanitation standards in prisons and pretrial

detention facilities.

In May the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism visited the country, including the Dhoonidhoo Detention Center and the Maafushi and Malé prisons. In a published preliminary report, she concurred with past UN assessments of overcrowding, lack of lighting and ventilation, water leakages, extremely limited yard time and an absence of beds and mattresses at these facilities. Authorities reported that a requirement to have a ratio of one staff member for every 1.75 prisoners was not met in several facilities.

The HRCM reported visiting four police stations with detention facilities, none of which had separate cells to hold women or juveniles. The HRCM reported that all the facilities were poorly ventilated and had inadequate hygiene and sanitation standards. As of September, the MPS continued to provide mineral water to detainees in Dhoonidhoo Custodial Center and had not found a permanent solution to reports from HRCM in 2021 that the drinking water at the facility was unfit for human consumption.

Authorities and the HRCM reported prisoners could not access timely medical care in MCS-supervised facilities. According to the MCS, doctors were stationed at three of the four detention facilities it oversees, nurses were stationed at all four facilities, and pharmacists were stationed at two. The MCS received 1,853 inmate complaints and the HRCM receiving 135 as of August. Most related to extended delays in access to specialist physicians. Local hospitals did not schedule appointments for detainees seeking medical attention, leading to difficulties in obtaining timely specialist appointments for detainees.

There were three reported deaths in detention. In September Mohamed Nasheed, detained in Maafushi Prison while on trial on drug-related charges, died. His family accused MCS of negligence, alleging delays in providing medical attention. The political opposition also claimed Nasheed had been subjected to torture in prison and agreed there was negligence and delays in providing medical care on the night of his death. As of October, the HRCM was investigating the case. The law requires that the HRCM be informed immediately about deaths in state custody and be allowed to inspect the body prior to burial. Authorities generally

implemented this provision. As of September, the HRCM continued to investigate the September 2021 death of a prisoner whose family members stated authorities did not notify them until two hours after the death and the October 2021 death of pretrial detainee Ismail Shabeen, who died after three years in detention. Local media had reported that authorities denied his repeated requests for treatment of a worsening medical condition.

The HRCM reported that detainees in most facilities were not allowed to leave their cells for extended periods of time. The HRCM reported in some units in Maafushi Prison and Malé Prison, detainees were not allowed to leave their cells even for an hour a day, as required by law, citing a lack of staff and security issues. The HRCM reported authorities no longer practiced solitary confinement but placed some individual inmates in single cells. The detainees could interact with prison guards and inmates in neighboring cells.

Administration: Authorities conducted investigations into credible allegations of mistreatment, but nongovernmental organizations (NGOs) continued to report such investigations were lengthy and often did not result in successful convictions or punitive action against responsible officers.

Independent Monitoring: The government generally permitted regular prison visits by the HRCM and the National Integrity Commission (NIC) but required a letter detailing the names of the visiting HRCM and NIC representatives before allowing them access to prisoners. The HRCM reported that once they entered the facilities, they were allowed access to all locations within the facility. The HRCM provided recommendations on addressing deficiencies to the government. The government generally permitted visits by the International Committee of the Red Cross, the Red Crescent, and other international assessment teams

Improvements: In January the MCS opened the “Juvenile Detention Center,” the country’s first facility dedicated to holding juvenile detainees, inside Asseyri Prison. The structure is located separate from units that hold adult detainees and includes eight cells, each with the capacity to hold two detainees. It is designed to hold both remand and convicted detainees. As of August, the facility held three juvenile detainees, with one in remand detention.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The constitution states an arrest may not be made unless the arresting officer observes the offense, has reasonable evidence, or has a court-issued arrest warrant. The law further specifies that police may arrest a person if they have reason to believe a person has committed, is committing, or is about to commit an offense or may attempt to destroy evidence of a major crime. The MPS generally complied with arrest procedures. The Anti-Terrorism Act (ATA) allows police to arrest terrorism suspects without an arrest warrant when there are probable and reasonable grounds to believe that a terrorism offense is imminent unless immediate action is taken. In these cases, suspects must be presented before a judge within 48 hours of arrest to determine the legality of the detention. Civil society sources and defense lawyers reported a continued need to define “probable and reasonable grounds” to avoid misuse of this provision. The law provides for an arrestee to be verbally informed immediately of the reason for the arrest and to have the reason confirmed in writing within 12 hours of arrest.

Prisoners have the right to a ruling on bail within 36 hours, but lawyers continued to report the courts rarely considered bail. The law requires that an arrestee be informed of the right to remain silent, and that arrestees’ statements may be used as evidence in a court of law. The law further provides that arrestees may have access to a lawyer at the time of arrest. A lawyer may be appointed by the court in serious criminal cases if the accused cannot afford one. The law allows police to question a detainee in the absence of counsel if the detainee’s lawyer does not appear within 12 hours without adequate reasons for the delay. Police normally informed the arrestee’s family of the arrest within 24 hours. The law does not require that police inform the family of the grounds for the arrest unless the arrestee is younger than 18, in which case a parent or guardian must be informed within four hours. The ATA allows police to restrict private meetings with lawyers for suspects of terrorism offenses for a period of seven days from the time

of arrest in situations where there is reasonable ground to believe private meetings may result in evidence tampering, committing a terrorist offense, physical harm to another, or hindering the recovery of property obtained by committing a terrorism offense.

The law provides for investigative detention. A person detained for investigation is allowed one telephone call prior to police questioning. Once a person is detained, the arresting officer must present evidence to a court within 24 hours to justify continued detention. Based on the evidence presented, the prosecutor general has the authority to determine whether there is sufficient evidence to proceed with an investigation. If law enforcement authorities are unable to present sufficient evidence within 24 hours, the prisoner is eligible for release. Judges have the authority to extend detention upon receiving an arresting officer's petition but must cite factors such as the detainee's previous criminal record, status of the investigation, type of offense in question, and whether the detainee poses a threat if released. Defense lawyers reported that judges often issued detention orders based on investigative authorities' claims that detainees posed a threat if released without clarifying the nature of the alleged threat. Judges also reportedly often relied on confidential intelligence reports submitted by the MPS to justify extended detentions. These intelligence reports were not shared with the defense.

Pretrial Detention: The MCS reported that 307 pretrial or remand detainees were held in its facilities as of August, the same number reported in August 2021. Of these, 205 were in remand for more than a year, some for several years, without a conviction. Authorities reported it was likely that in some cases the length of pretrial detention was equal to or exceeded the maximum sentence allowed for the alleged crime. The MCS and HRCM reported some pretrial or remand detainees were held without charge for extended periods of time. Defense lawyers reported problems with criminal procedure policy underlay the large percentage of pretrial or remand detainees. The policy requires an internal PGO committee to review pretrial detention decisions by judges every 30 days and to request the court to dismiss pretrial detention orders if there were an insufficient need for detention. The PGO committee rarely recommended such dismissals. The committee's decisions were not made public or shared with the suspect.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence; however, it was subject to outside influence. Lawyers reported continuing allegations of judicial impropriety and abuse of power among judicial officials, prosecutors, and attorneys who were reportedly intimidated or bribed. Government officials, members of parliament, and representatives of domestic and international civil society organizations accused the judiciary of bias.

According to NGOs and defense lawyers, some magistrate judges could not interpret common law or sharia because they lacked adequate English or Arabic language skills. Some judges in all courts, appointed for life, held only a certificate in sharia, not a law degree. NGOs and defense lawyers reported the Judicial Service Commission investigated allegations of judicial misconduct but noted investigations against some judges were lengthy. Some of these judges were allowed to remain on the bench and hear cases while under investigation by the commission, raising concerns they could be intimidated to issue certain rulings to avoid punitive action by the commission.

Trial Procedures

The constitution and law provide for the rights to a fair and public trial, although the judiciary did not always enforce these rights. Lawyers reported in some cases that defendants who did not fully understand the language of the court were not provided free interpretation. Criminal defendants have the right to appeal.

The testimony of women is generally equal to that of men in court, although some laws allow for differences in cases of rape (where the testimony of two male witnesses or four female witnesses is required). Islamic law, as interpreted by the government, is applied in situations not covered by civil law.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights abuses through domestic courts, but lawyers and the HRCM reported victims rarely chose to do so due to a belief the court would rule in favor of the government. There were no reports of any cases seeking remedies for human rights violations. The Civil Court addressed noncriminal cases. Individuals or organizations may appeal adverse judicial decisions domestically or to regional human rights bodies, but there were no reports of such appeals as of October.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

By law security forces may only read the mail or other messages of private citizens or monitor telephone conversations if authorized to do so by a court during a criminal investigation. There were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for the press and other media, except on religious matters, and the government generally respected this right. Civil society sources continued to report, however, that the government failed to act against online death threats and attacks against those perceived to be critical of Islam, leading journalists and NGOs to practice self-censorship on matters related to Islam.

Freedom of Expression: The constitution prohibits utterances contrary to tenets of Islam or the government's religious policies. A December 2021 amendment to the Penal Code expanded the definition of the existing offense of "criticizing Islam" to cover use of a communications device to criticize Islam, the Quran, the prophet Mohamed, and the Sunnah.

Ministry of Youth, Sports, and Community Empowerment regulations prohibit

publishing literary material without first seeking authorization from the National Bureau of Classification. The regulations fine publication of literary material as “any writing, photograph, or drawing that has been made publicly accessible electronically or by way of printing, including publicizing or circulating on the internet.”

In May Amnesty International expressed concern over a presidential decree issued in April ordering a halt to an ‘India Out’ campaign organized by the political opposition that included protests calling for the removal of Indian military officers in the country and criticism of what the opposition argued is the government’s overreliance on India. The decree said the National Security Council had decided the campaign posed a threat to national security. Between April and September, the MPS took action to enforce the decree including entering residences to remove ‘India Out’ banners. Local lawyers and human rights activists argued the campaign amounted to free expression and the decree was unlawful as the constitution prohibits any limitations to freedom of expression, even in states of emergency.

Violence and Harassment: In August 2021 the Maldives Journalist Association (MJA) published a threat perception survey of journalists in which 54 percent of respondents reported receiving multiple death threats or threats of violence. In April Human Rights Watch reported that impunity for threats and violence against journalists seen in previous years “continue[d] to exercise a chilling effect on free speech”. The MJA, Maldives Media Council, and the International Federation of Journalists reported a police officer named ‘Solih’ threatened and harassed journalists and media workers during their coverage of an opposition protest on May 18. An unidentified police officer pepper sprayed a video journalist in the face during another opposition protest on June 23. As of September, the MPS had yet to announce any action against the officers involved in the two cases.

Independent media were nonetheless active and expressed a wide variety of views. Criticism of the government and debates on societal problems were commonplace, but media did not question Islamic values or the government’s policies on religion. Journalist sources stated media practiced self-censorship on matters related to Islam due to fears of harassment or being labeled “anti-Islamic.” The MJA reported increased intimidation and pressure on journalists by government officials

and political appointees for reporting on government corruption.

On May 29, a group forcefully entered the office of news outlet Mihaaru and threatened journalists, accusing the news outlet of publishing a fabricated news report. The unidentified assailants continued to harass the outlet on social media, citing what they said was misinformation found within several Mihaaru articles. As of September, authorities have yet to identify or take action against the assailants.

The MJA reported anonymous social media accounts believed to be linked to government officials or extremist groups continued to harass journalists. Due to their suspicions of direct or indirect official involvement and fear of retribution by perpetrators, journalists rarely filed complaints of online harassment with authorities.

Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media: The Parliament Privileges Act allows authorities to force journalists to reveal their sources, but authorities did not routinely utilize this provision. In July local and international NGOs condemned the newly ratified Evidence Act, calling for the government to revoke or amend a provision in the Act that could compel journalists to reveal their sources when the information presented by the journalist relates to acts of terrorism or when the information relates to national security offenses. The provision applies when the court determines that factors described in it were more likely than not to have happened, a civil standard of proof. In a joint statement, Amnesty International, the Centre for Law and Democracy, CIVICUS, the World Alliance for Citizen Participation, the Committee to Protect Journalists, Human Rights Watch, the International Federation of Journalists, Reporters Without Borders, the MJA, the Maldives Editors Guild, and Transparency Maldives argued that neither the term “terrorism” nor the phrase “threat to national security” are defined, leaving room for an overly expansive interpretation by courts that creates the possibility of misuse or abuse of the law.

Journalists also reported concerns that the provision would hinder whistle-blower protections and dissuade potential witnesses from stepping forward to disclose sensitive information. The law sanctions anyone who violates an order to disclose

a source with imprisonment of up to three months, a fine, or both. On July 31, President Solih met with local journalists and stated he would ask Parliament to amend the act to clearly define situations involving threats to national security. The proposed amendment was submitted to parliament in October. The MJA reported that while the proposal addressed many of its original concerns, it still did not adequately define a “threat to national security”. There were no known restrictions on domestic publications; prohibitions on the import of foreign publications or materials applied to pornography or material otherwise deemed objectionable to Islamic values, including Bibles and idols for worship intended for public distribution. Tourists destined for resort islands were not prohibited from carrying Bibles and other religious items for their personal use.

Internet Freedom

The government generally did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. In November 2021 the Criminal Court ordered all local internet service providers to block access to websites, social media pages, YouTube channels, and online applications that targeted Maldivians “with the intention of spreading religions other than Islam.” The order was issued at the request of MPS following reports that Christian advertising in the local Dhivehi language directed at children had appeared on Facebook, YouTube, and some gaming apps. Access to those websites and social media platforms had not been blocked as of September. Authorities reported no new investigations into online content between January and September.

The Communications Authority of Maldives is the regulatory body mandated to enforce internet content restrictions on sites hosted within the country and to block domestic access to any websites. The authority maintained an unpublished blacklist of all offending websites. Although it did not proactively monitor internet content, it accepted requests from ministries and other government agencies to block websites that allegedly violated domestic laws on anti-Islamism, pornography, child abuse, sexual and domestic violence, and other prohibited matters or material.

NGOs reported the government’s failure to act against online death threats and

attacks against those perceived to be critical of Islam continued.

Restrictions on Academic Freedom and Cultural Events

The law prohibits public statements contrary to the government's policy on religion or the government's interpretation of Islam. There were credible reports that academics continued to practice self-censorship in response. The government censored course content and curricula. Sunni Islam was the only religion taught in schools.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association; however, the government limited these rights.

Freedom of Peaceful Assembly

The constitution provides for "freedom of peaceful assembly without prior permission of the State." The law on peaceful assembly restricts protests outside designated areas in the capital city. Protesters must obtain prior written permission from the MPS and from the Ministry of Home Affairs to hold protests. Local civil society organizations continued to condemn the restrictions as unconstitutional. MPS reported a total of 39 gatherings were dispersed since January for violation of the above provisions. NGOs reported that during some of the protest dispersals MPS used pepper spray, verbal harassment, and undue force against protesters.

Freedom of Association

The constitution provides for freedom of association, but the government imposed some limits on this freedom. The government allowed only clubs and other private associations that did not contravene Islamic or civil law to register.

In May President Solih ratified a new Associations Act with provisions detailing the duties, functions, authorities, and powers of associations in the country. The act allows foreign associations to be registered and operate in the country but requires them to submit documentation not required from domestic associations prior to registration, including submission of a resolution by the members of the association to register the association and copies of its constitutional documents.

The act requires all associations to disclose information related to any assistance received exceeding 500,001 rufiyaa (\$32,425) with the Registrar of Associations prior to commencement of any activity using such assistance. The association is required to disclose the source, the amount obtained, and the purpose for which the assistance is obtained, and to record this information in an annual report submitted to the registrar. NGOs expressed concern that a provision in the act states the registrar or other relevant authority may seek a court order to halt the activities of, or the dissolution of an association if it is “used as a cover to conduct unlawful activities or achieve unlawful objectives.” NGOs are concerned the term “cover” and “unlawful activities and objectives” are not defined, leaving room for an overly expansive interpretation by courts and creates the possibility of misuse or abuse of the law. The new act came into force in November.

The Political Parties Act restricts registration of political parties and eligibility for state funds to parties with 10,000 or more members. The act requires all political parties to submit fingerprints with each membership application. Civil society organizations continued to express concerns that the law and subsequent amendments restricted the constitutional right to form and participate in political parties.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. NGOs continued to report concerns regarding a 2020 High Court ruling prohibiting arrested migrant workers from release on bail unless a local national was willing to take responsibility for monitoring them until the conclusion of their cases.

e. Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protection to

refugees.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Parliamentary elections in 2020 were well administered and transparent according to Transparency Maldives and international election observers. Despite their assessment that the overall election was well administered, Transparency Maldives highlighted concerns including unverified reports of vote buying, lack of transparency in political financing, the abuse of state resources, and barriers to women’s equal participation in the electoral process.

Political Parties and Political Participation: In January Transparency Maldives called on the government to “stop the abuse of State resources” and strengthen the electoral legal framework to include a prohibition of the abuse of State resources and to dedicate the resources to ensure its effective implementation. The call followed government announcement of plans for a previously unbudgeted land reclamation project in Komandoo island in Shaviyani atoll, a constituency where a parliamentary by-election was scheduled in February. President Solih announced the project at a rally held to inaugurate the ruling party’s by-election campaign.

In 2019, former president Abdulla Yameen was convicted on bribery and money laundering charges and sentenced to five years in prison; however, he was acquitted in 2021. In December he was convicted in a second case, also bribery and money laundering, and sentenced to 11 years’ imprisonment. Although the political opposition alleges the conviction was politically motivated, civil society and international observers view the convictions as credible and appropriate. Under the Maldives’ Constitution, individuals convicted of a criminal offense and sentenced to a term of more than 12 months are ineligible to run for presidential office. Yameen’s supporters objected to his ineligibility to run, not based on his

innocence, but because they say it limits the political representation of the citizens.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate. Women's rights activists and female politicians continued to highlight a lack of government and political party effort to encourage political participation of women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government and judicial system were slow to investigate, prosecute, and punish cases of corruption. Officials sometimes engaged in corrupt practices with impunity. The Anti-Corruption Commission (ACC) reported initiating 159 corruption investigations from January to November and forwarded two cases for prosecution. Suspected corruption in the judicial system also stymied the ability to provide additional oversight.

Corruption: In March President Solih dissolved a Presidential Commission on Corruption and Asset Recovery established to investigate corruption cases between 2012 and 2018; Solih announced that pending investigations would be taken up by other relevant state institutions. At the time of dissolution, the commission had not issued any public report of its findings. The ACC reported it assumed 36 of the commission's pending investigations, while one remaining pending investigation was taken up by MPS. Civil society contacts reported concern the commission's failure to conclude any investigations and the decision for ACC to takeover could exacerbate the slow speed of corruption investigations and prosecutions.

In December 2021 all five sitting members of the ACC resigned following a parliamentary committee's decision to seek their removal from office. NGOs and observers expressed concern over the committee's decision since the performance audit cited to justify their dismissals covered a three-year period; the latest members had been in office for only 10 months and the sitting members were not afforded an adequate right of response. NGOs also expressed concern the government did not take steps to address capacity issues raised by the members,

including a lack of funding and trained investigators, before deciding on the removals. NGOs also highlighted that the members were not replaced within the legal deadline of 60 days and that new members were only appointed in March, leaving the commission with no leadership for three months and unable to take on significant investigations, including search and seizure operations which require the ACC president's authorization. NGOs speculated the decision to repeatedly re-announce the vacant membership positions despite receiving applications indicated the government postponed appointments until candidates to its liking applied.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Retribution against Human Rights Defenders (HRDs): In published preliminary findings based on a 10 day visit to the country in May, the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism stated the 2019 deregistration of the NGO Maldivian Democracy Network following the publication of a report touching upon the issue of religious extremism in the country continued to have “a chilling effect upon many other organizations.” She expressed concern that legitimate actions of HRDs are “limited by various pieces of legislation regulating freedom of expression, religion, association, and ‘extremism’” and noted particular challenges faced by women HRDs and their vulnerability to online harassment, including threats of violence. She urged the government to use existing legislation to act against those who engage in harassment and proactively and consistently protect civil society and HRDs from harm.

In April the Association for Democracy in the Maldives reported that MPS had declined to investigate direct threats and intimidation directed at civil society activist Aiman Latheef on April 6 by a person from the Malé City Council after Latheef filed a Right to Information application. The MPS reportedly stated they

did not have enough information to proceed with an investigation.

Government Human Rights Bodies: The HRCM is a constitutionally recognized independent institution with a mandate to promote and protect human rights under the constitution, Maldivian Islamic law, and regional and international human rights conventions ratified by the country. The NIC is a constitutionally recognized independent institution with a mandate to investigate allegations of human rights abuses by law enforcement agencies and employees, and it has the authority to forward any cases with criminal elements to police for further investigation.

Human Rights activists reported the HRCM and NIC appeared to be working more independently since 2021. The HRCM reported government authorities were generally cooperative in investigations but continued to be reluctant or slow to act on their recommendations. The NIC itself reported a lack of public awareness of its mandate, budgetary constraints, and a lack of trained technical staff. Both the NIC and the HRCM reported having to rely on the MPS for training and technical analysis, including forensic analysis.

The Child Rights Ombudsman is tasked with monitoring implementation of the Child Rights Protection Act. The ombudsman had not issued any reports as of November.

The Office of Transitional Justice has a two-year mandate to investigate human rights violations by the state between 1953 and 2018. Civil society observers expressed concern that the office lacked adequate expertise to investigate cases covering a time span of 60 years. They also noted the two-year mandate was insufficient to adequately investigate the number of expected complaints. The office held a handful of public hearings. Civil society observers noted while the hearings provided a forum for victims of past human rights violations to be heard, the office had not taken remedial action or provided compensation or closure to any victims as of September.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of both men and women including spousal rape. The law also criminalizes domestic violence, including physical, sexual, verbal, psychological, and financial abuse. The law also extends protection to wives against being forcibly impregnated by their husbands and includes an extensive list of other abuses for which protection is provided. The law allows courts to issue restraining orders in domestic violence cases and criminalizes any actions violating these orders. A man, however, may be convicted of rape in the absence of a confession only if there are two male witnesses or four female witnesses willing to testify. In the case of statutory rape of a child, the burden of proof is lower. Penalties if convicted range from four months' to 10 years' imprisonment, depending on factors such as the age of the survivor.

The government did not enforce the law effectively. NGOs and other authorities continued to report MPS officers were reluctant to make arrests in cases of domestic violence against women. Reportedly, this made survivors reluctant to file criminal cases against abusers. While the MPS received 879 reports of domestic violence as of July, it investigated only 289 and recommended charges in only nine cases. Of these nine cases, charges were brought in just three cases as of July. The MPS received 59 reports of rape and sexual assault as of July, investigated 35 complaints, and recommended charges in three cases. Of these three cases, charges were filed in two as of July.

The Ministry of Gender, Family, and Social Services received reports of rape, sexual offenses, and domestic violence and conducted social inquiry assessments of cases it submitted to the MPS. It also provided psychological support to survivors during MPS investigations. To streamline the process of reporting abuses against women and children, the ministry operated family and children's service centers on every atoll. The ministry operated residential facilities at eight of the centers and five domestic violence shelters to provide emergency shelter to survivors of domestic violence and other crimes. Authorities and NGOs reported the service was understaffed and underresourced. Staff employed at the centers

lacked technical skills.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit FGM/C. No cases of FGM/C were reported to government authorities during the year. Since 2014 some religious leaders have intermittently sought to revive the practice. NGOs and women's rights activists continued to express concern the government has failed to publicly denounce or counter such calls.

Other Forms of Gender-based Violence: By law only Maldivian Islamic law penalties may be imposed for conviction of *hadd* (robbery, fornication, homosexual acts, alcohol consumption, apostasy) and *qisas* (retaliation in kind) offenses. Penalties may include hand amputation for theft and stoning to death for adultery although these were not imposed.

Sexual Harassment: The law bans sexual harassment in the workplace, detention facilities, and any centers that provide public services. NGOs reported that while the law requires all government offices to set up sexual harassment review committees, a significant number of government offices failed to do so or, in cases where the committees had been set up, employees were unaware of their existence.

As of July, the MPS reported referring three of 46 known cases of sexual harassment for prosecution; none had led to charges.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Extramarital sex is criminalized and childbirth out of wedlock is stigmatized.

Limited public information on reproductive health services was available for unmarried individuals. NGOs and activists expressed concern that adolescents' access to information on reproductive health rights and services was extremely limited. They also noted that in smaller island communities, contraceptives were only available at a single health center or pharmacy on each island, leaving unmarried couples reluctant to access them due to social stigma.

Health-care facilities generally provided reproductive health services only to married couples. A centralized system of health-care provision is a significant

barrier to access for health-care services on islands outside the capital region. Reportedly, men often influenced or controlled the reproductive health decisions of women including use of contraceptives. Youth access to reproductive health information and services was especially limited, and cultural attitudes prevented youth from accessing what limited services were available from health facilities.

NGOs reported that the government provided access to emergency contraceptives for sexual violence survivors. NGOs reported public health services provided psychosocial support and medical attention for a limited period immediately following instances of sexual violence. Access to these services through private health-care providers was costly or unavailable, especially outside Malé.

Discrimination: The law provides the same legal status and rights for women and for men in religious, personal status and nationality laws and laws related to labor, property, access to credit and owning or managing business and property and prohibits gender discrimination including in workplaces, educational institutions, and service providers, such as hospitals. Discrimination against women remained a problem. Islamic shariah governs inheritance of private property which leaves male heirs twice the share of female heirs. Women's rights activists reported that women who initiated divorce proceedings continued to face undue delays in court compared with men who initiated divorce proceedings.

In March the Cabinet endorsed the National Gender Equality Action Plan for 2022-2026, which enables state actors, private sector organizations, and gender advocates to translate the Gender Equality Act and Policy into action. According to women's rights activists, however, there were no policies in place to provide equal opportunities for women's employment, despite provisions in the constitution and the law.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits discrimination based on race or national origin. No law specifically protects members of racial, ethnic, or national minorities or groups from violence and discrimination.

NGOs reported some societal discrimination against members of racial, ethnic, or national minorities. There were no government programs to mitigate societal,

racial, or ethnic biases.

Children

Birth Registration: Citizenship is derived by birth from one's parents. Under the law a child born of a citizen father or mother, regardless of the child's place of birth, is a citizen. During the year the Ministry of Gender, Family, and Social Services received two reports of the government failing to register the birth of a child because the parents were married outside the country. NGOs reported no previous known cases of the Family Court refusing to register children born to couples married outside the country.

Education: Education is free, compulsory, and universal through the secondary level. The Ministry of Gender, Family, and Social Services handled five cases of children being deprived of education as of September, mostly due to administrative lapses but in one case due to the parent's refusal to send the children to school based on what the government termed "extremist beliefs," possibly religious. NGOs and activists believe that denial of rights to children based on religious beliefs was a problem but lacked clear data on its prevalence.

Child Abuse: The law stipulates sentences of up to 25 years' imprisonment for sexual offenses against children. The courts have the power to detain convicted perpetrators, although most were released pending sentencing and allowed to return to the communities of their victims. The MPS investigates and the Ministry of Gender, Family, and Social Services oversees providing care and support to victims of child abuse, including sexual abuse. The ministry reported a lack of individuals trained in case work, psychosocial support, and other technical skills. More than 70 percent of the total cases received by the ministry as of September were cases of child abuse, the majority involving sexual abuse. Of the child abuse cases received by the MPS, 31 percent were also sexual abuse cases; the MPS forwarded less than two percent of these cases for prosecution as of July. Human rights activists conducted social media campaigns throughout the year to express concern regarding inadequate investigation of rape and child sexual abuse cases and impunity of offenders. Human rights activists reported the continuing lack of effective coordination among authorities handling child abuse cases, delays in attending to reports of abuse, and a lack of standard operating procedures to handle

child abuse cases remained a problem.

NGOs reported authorities failed consistently to use the online child rights' case management system through which various authorities can monitor progress and actions taken by other authorities on child abuse cases.

Child, Early, and Forced Marriage: The law prohibits any marriage of a person younger than age 18. NGOs reported anecdotal evidence of some child marriages conducted outside of the legal system. Evidence from previous years suggested child marriage and child sexual abuse were common in a fundamentalist community on Raa Maduvvari Island. One man was arrested for entering into an underage marriage and the girl's parents were charged with child marriage, child abandonment, and failure to exercise parental duty of care. Girls reportedly often quit school following underage marriages.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation and the sale, grooming, or use of children for commercial exploitation, including sex trafficking and practices related to child pornography. The law prohibits using, procuring, and offering children for pornographic performances; conviction is punishable by five to 25 years' imprisonment. The law stipulates that a child between ages 13 and 18 involved in a sexual act is deemed not to have given consent "unless otherwise proven." The law also treats the sexual exploitation of children by a third party as a form of human trafficking with exploitation, with a 15-year maximum sentence if convicted. The penal code allows the PGO to file multiple charges against a perpetrator for a single offense. Regarding sex trafficking, for example, the office may file charges for human trafficking under the Prevention of Human Trafficking Act and for prostitution under the Child Rights Protection Act and aggregate the penalties so convicted perpetrators serve longer sentences for a single offense. As of July, the MPS investigated one case of child pornography but had not forwarded the case for prosecution. NGOs reported that, although there have been no confirmed reports of child sex tourism, government authorities lacked the capacity to monitor the guesthouse-tourism sector in remote islands.

Institutionalized Children: The Ministry of Gender, Family, and Social Services reported eight children were placed in six government-run "safe homes" as

temporary stopovers for children being taken into state care. Activists continued to report the safe homes were inadequately furnished and equipped, lacked other essentials, resulting in inadequate care, protection, and education for institutionalized children. During the year, the Ministry operated 11 facilities which housed children taken into state care. As of July, one of these facilities sheltered more children than its prescribed capacity. NGOs reported an inadequate number of trained staff at these facilities.

The country lacked a juvenile detention center, so youth offenders were sometimes held with juvenile victims of abuse or at special units in minimum security prisons.

Antisemitism

The public practice of religion other than Islam is prohibited by law, and the government did not provide estimates on the number of Jewish residents in the country. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law prohibits same-sex sexual conduct. Under the penal code, the punishment for conviction includes up to eight years' imprisonment or, under Islamic law, 100 lashes. During the year the courts held hearings in 12 cases under the charge of engaging in same sex relations. In September the Criminal Court sentenced one individual to seven months' imprisonment, a second to four months' house arrest for engaging in same-sex relations, and a third to one years' imprisonment.

Violence against LGBTQI+ Persons: There were no reports that police or other government agents incited or perpetrated violence against lesbian, gay, bisexual, transgender, queer, intersex and other (LGBTQI+) individuals or those reporting

such abuse. Following the leak of several videos showing a Bangladeshi man, M.D. Alamgiri, engaging in same-sex relations with multiple Maldivian men, including the brother of the Speaker of Parliament, a former member of parliament, and an officer with the MPS Drug Enforcement Department, multiple individuals on social media posted threatening messages calling for violence and even the death of the individuals seen in the videos. As of September, authorities reported no action taken against those posting threatening messages.

Discrimination: None of the legal provisions prohibiting discrimination covers discrimination based on sexual orientation, gender identity or expression, or sex characteristics, and the law does not recognize LGBTQI+ individuals, couples, and their families. Following the July leak of several videos showing men engaged in same-sex relations, several government institutions, including the Parliament, Ministry of Home Affairs, Maldives National Defence Force, the MPS, the Ministry of Education, and Maldives Customs Service, reportedly suspended one or more employees believed to have appeared in the videos. In August, the government-operated Center for Holy Quran dismissed its Senior Executive Director Ibrahim Rafiu following the leak of a video showing him engaging in same-sex relations.

Availability of Legal Gender Recognition: The government does not allow individuals to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of the practice of so-called conversion therapy.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: No organizations focused on lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) advocacy exist in the country. There were no reports of officials complicit in abuses against LGBTQI+ persons, although societal stigma likely discouraged individuals from reporting such problems. Local citizens who expressed support for LGBTQI+ rights on social media continued to report they were targeted for online harassment as “apostates” or irreligious.

Persons with Disabilities

The constitution and law provide rights and freedom from most types of discrimination for persons with disabilities; however, persons with disabilities did not have access to education, health services, public buildings, and transportation on an equal basis with others. Although the constitution provides for freedom from discrimination in access to employment for persons with disabilities, the law does not do so. The law provides for some protection of the rights of persons with disabilities as well as monthly financial assistance to each registered individual. NGOs reported, however, that the National Social Protection Agency's registration process has strict conditions, a cumbersome screening process and an assessment requirement from a medical center in Malé City, that prevent most persons with disabilities from registering.

Although no official studies have been concluded, NGOs that operate throughout the country estimated that up to 10 percent of the total population of persons with disabilities had been subjected to various forms of abuse and that 40 to 60 percent of girls or women with disabilities, especially those who are visually impaired, had been subjected to sexual abuse. The families of these victims often did not report these cases to authorities because the police investigation and judicial process was inaccessible to persons with disabilities.

Students with physical disabilities are integrated into mainstream educational programs at primary and secondary level. Most large government schools also had special units catering to persons with disabilities who were not accommodated in the mainstream classes. Nonetheless, children with disabilities had virtually no access to support for transition to higher secondary education. Government services for persons with disabilities included special educational programs for those with sensory disabilities. Inadequate facilities and transportation for persons with disabilities on smaller islands and atolls made it difficult for them to attend school or work.

Most public streets and buildings were not accessible for wheelchair users.

Other Societal Violence or Discrimination

NGOs reported online death threats and attacks against citizens perceived to be critical of Islam continued, and NGOs reported the government failed to act in these cases.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for workers' freedom of association, absent a specific law protecting the right to unionize. Organizations that wish to act as unions register under the Associations Act. The act does not provide for independent unions, collective bargaining, or the conduct of strikes. As a result, the court system refused to officially recognize trade unions. Worker organizations were usually treated as civil society organizations or associations without the right to engage in collective bargaining. Police and armed forces do not have the right to form unions. Given the formal absence of unions, there were no reports of government enforcement of laws respecting their establishment or operation.

Under the law, some workers' organizations were established as civil society organizations, including in the tourism, fisheries, education, health, and shipping (seafarers') sectors, although these functioned more as cooperative associations and had very limited roles in labor advocacy. The Teachers Association of the Maldives, the Tourism Employees Association of Maldives and the Maldives Trade Union Congress, an umbrella organization formed by the tourism employees' association, the Maldivian Ports Workers, and the Maldives Health Professionals Union) were among the more active workers' organizations. The Freedom of Peaceful Assembly Act effectively prohibits strikes by workers in the resort sector, the country's largest money earner and the tourism employees' association reported their representatives were often denied access to resorts when seeking to engage with members. Employees in the following services are also prohibited from striking: hospitals and health centers, electricity companies, water providers, telecommunications providers, prison guards, and air traffic controllers. The Home Ministry enforces the act by arresting workers who go on strike, but there were no such arrests during the year.

Although teachers are not prohibited by law from striking, the teachers' association reported that the Ministry of Education had issued directives prohibiting teachers' strikes, citing potential damage to the profession, and stating that individuals' reputations must be maintained because teaching is a public trust profession.

The government did not always enforce applicable laws. Resources, inspections, and remediation remained inadequate, and penalties were not commensurate with other laws involving the denial of civil rights and were sometimes applied against violators.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, but the government did not effectively enforce the law.

The foreign worker population, especially migrant workers from Bangladesh, were particularly vulnerable to forced labor or labor trafficking in the construction industry, as were Sri Lankan and Indian women engaged in domestic work. Migrant workers on fishing and cargo boats in Maldivian waters may also be subjected forced labor. Authorities ran programs allowing undocumented workers to regularize their status or return to their home countries without penalty. The Ministry of Economic Development reported a total of 7,511 undocumented workers were regularized between January and August, but unlike in previous years there were no ministry voluntary repatriations. Maldives Immigration conducted a separate repatriation program under which 1,564 expatriate workers were repatriated as of August. Undocumented workers were detained at the Hulhumalé Detention Center, an immigration processing center near Malé, until deportation or repatriation. The government reported that 105 workers were housed in the facility at the beginning of the year and 31 remained as of July. Authorities did not have in place any mechanisms to screen workers for victims of labor trafficking prior to repatriation or regularization, and there were reports that some of the repatriated or regularized undocumented workers should have been identified as human trafficking victims.

Under the penal code, conviction of forced labor carries a penalty of up to eight years' imprisonment. The law criminalizes confiscation, alteration, or withholding

of identity and travel documents; convicted perpetrators are subject to up to five years' imprisonment. The maximum penalty for human trafficking is 10 years' imprisonment. Penalties remained insufficient to deter violations by large companies and were not commensurate with analogous serious crimes for which conviction carried sentences of imprisonment.

As of July, Maldives Immigration reported the number of documented foreign workers at approximately 133,600. It estimated an additional 63,000 undocumented foreign workers were in the country, predominantly men from Bangladesh and other South Asian countries. NGOs noted a continuing trend of resorts hiring third-party subcontractors to work in departments such as maintenance, landscaping, and laundry services. These subcontractors reportedly hired undocumented migrant workers who received a lower salary, worked longer hours without a legal employment contract, and often experienced delays in payment of salaries. Most victims of forced labor suffered from: debt bondage, withholding of passports by employers, fraudulent offers of employment, not being paid the promised salary, or not being paid at all. Domestic workers, especially migrant female domestic workers, were sometimes trapped in forced servitude, in which employers used threats, intimidation, and in some cases sexual violence to prevent them from leaving.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination in respect of employment and occupation, based on race, color, sex, political opinion, religion, social origin, marital status, family obligations, age, or disability. The law does not explicitly prohibit discrimination for national origin, ethnicity, sexual orientation, gender identify, HIV or AIDS status or refugee status. The government generally

enforced those laws and regulations, with some exceptions that included unequal pay for women and discrimination in working and living conditions of foreign migrant workers, especially from Bangladesh. A new Minimum Wage Order which came into force in January exempts foreign migrant workers for the first two years of enforcement.

NGOs reported the government was not effective in enforcing applicable laws and that while penalties for violations were commensurate with laws related to civil rights, they were rarely enforced.

According to NGOs, no policies were in place to provide equal opportunities for women in employment, despite provisions in the constitution and the law. The law and constitution prohibit discrimination against women in employment or pay, but women tended to earn less than men for the same work and tended to work in lower-paying industries. The absence of child-care facilities made it difficult for women with children to remain employed.

The Employment Act established an Employment Tribunal to examine and protect the rights of employers and employees in legal matters and other employment problems. The Labor Relations Authority (LRA) is mandated to oversee compliance with the Employment Act and related regulations. The Employment Tribunal examines and adjudicates legal matters arising between employers and employees and other employment problems, but its processes were cumbersome and complicated.

The LRA does not regularly screen labor violations such as nonpayment of wages for elements of trafficking, so the Employment Tribunal adjudicates some potential trafficking cases. As of August, the LRA has not requested the Ministry of Economic Development to blacklist violators who refused to correct violations or pay fines. Employment Tribunal cases are heard in the Dhivehi language, which few foreign workers understood. Foreign workers may not file a case with the tribunal unless they appoint a representative to communicate for them in the local language. If an employer fails to comply with a decision of the tribunal, the case must be submitted to the Civil Court, which often delays decisions. TEAM reported the judicial system continued to delay final decisions on numerous such cases, some older than six years. The Employment Tribunal only hears cases

submitted within three months for cases involving unfair dismissals and within six months of the alleged offense for all other violations of the Employment Act. The law states that dismissed or withdrawn appeals may only be resubmitted once, after paying a fine.

Discrimination against migrant workers was pervasive (see section 7.b).

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides a minimum wage in most sectors, and it was more than the official estimate for the poverty income level. In November 2021 the Ministry of Economic Development published the Minimum Wage Order, which outlined the scope and amount of the minimum wage, which came into effect January. For the first two years of enforcement, this Order is only applicable to Maldivians and exempts foreign workers. Minimum wage price floors are different for the public sector and for small, medium, and large businesses in the private sector. Wages in the private sector were commonly set by contract between employers and employees and were based on rates for similar work in the public sector.

The law establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for workplace safety. Civil servants are allowed six months of maternity leave and one month's paternity leave. The law provides for a 48-hour per week limit on work with a compulsory 24-hour break if employees work six days consecutively. Certain provisions in the law, such as overtime and public-holiday pay, do not apply to emergency workers, air and sea crews, executive staff of any company, and workers who are on call. Employee associations reported some government schools and hospitals continued to place a cap on overtime pay.

Occupational Safety and Health: The country does not have a general occupational safety and health (OSH) law, but certain industries, including construction, health, aviation, and tourism, have compiled their own standards and regulations, which they enforce themselves. There were no reports the government took any action under health and safety regulations although civil society reported a lack of adequate safety measures and that workers were often not provided safety

equipment in the construction sector. The law mandates implementation of a safe workplace, procurement of secure tools and machinery, verification of equipment safety, use of protective equipment to mitigate health hazards, employee training in the use of protective gear, and appropriate medical care, but there were no national standards for safety measures, and as a result such measures were at the discretion of employers.

The law protects workers who remove themselves from situations that endanger health or safety without jeopardy to their employment.

Following a series of reports of workers at the central port in Malé sustaining injuries at work, parliament's State-Owned Enterprises Committee in March 2021 launched an inquiry into health and safety standards at the port. The committee found that the port had failed to implement safety and security measures, that the existing standard operating procedures were inadequate, and that there was a lack of monitoring of implementation of safety measures and working conditions at the port. There were no reports of further accidents at the central port as of September 2022. In January, two workers were seriously injured while unloading marble sheets at the port in Hulhumale, near Malé.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage or OSH-related laws; it did, however, effectively enforced overtime laws. Penalties for violations were not commensurate with laws for similar crimes and were rarely applied against violators. Penalties for overtime violations were commensurate with those for similar crimes, such as fraud.

The LRA and Employment Tribunal are charged with implementing employment law, and the LRA conducted workplace investigations and provided dispute resolution mechanisms to address complaints from workers. The most common findings related to missing or problematic provisions included in employment contracts and job descriptions, overtime and other pay, and problems related to leave. Inspectors have the authority to make unannounced inspections and initiate sanctions. The LRA typically gave employers one to three months to correct problems but continued to lack sufficient labor inspectors and travel funding to enforce compliance.

The LRA continued to report difficulties in assessing safety standards during inspections due to the lack of national standards. Safety regulations for the construction industry require employers to provide employees with safety equipment such as helmets, belts, and masks, but NGOs reported the government failed to monitor implementation of these standards. All employers are required to provide health insurance for foreign workers.

Informal Sector: According to the government, 19 percent of the total working population is engaged in informal employment, with 62 percent of those being self-employed and not covered by wage, hour, or OSH inspections. The proportion of workers in the informal sector is higher in the islands outside Malé, where 31 percent of the total working population was in the informal sector, compared with 9 percent in Malé. Informal employment among women, at 25 percent, is higher than among men, 16 percent. Manufacturing is the largest informal employment sector, with most women engaged in home-based work producing thatches and rope weaves, followed by services (including domestic workers), agriculture, and fisheries. The LRA is authorized to inspect any workspace with employees but reported it did not routinely inspect workspaces of domestic workers. It did investigate complaints filed by domestic workers.

Migrant workers in the informal sector were particularly vulnerable to exploitation, worked in unacceptable conditions, and were frequently forced to accept low wages to repay their debts with employment agencies, especially within the construction sector. The LRA reported more than 35 percent of the complaints it received were submitted by foreign migrant workers.

They experienced abuses from employers, including deceptive recruitment practices, wage theft, passport confiscation, unsafe living and working conditions, and excessive work demands, which indicate forced labor and violate domestic and international standards.

NGOs expressed concern that senior government officials made statements characterizing the high number of undocumented workers present in the country as “a threat to national security,” saying these statements indicated a lack of political will to address the exploitation of foreign migrant workers. Female migrant workers, especially in the domestic-service sector were especially vulnerable to

exploitation.

In 2020 the Maldivian Red Crescent reported their inspection of labor quarters in Malé found each quarter housed approximately 200 workers, with six to seven individuals sharing rooms of 100 square feet. In some locations workers were forced to sleep in bathrooms or on balconies due to a lack of space. Most buildings also lacked adequate space for cooking and posed safety risks due to being structurally unsound. NGOs reported the government did not act to enforce regulations, which came into force in October 2020 setting standards for employer-provided accommodations for foreign migrant workers. Employers in the construction and tourism industry often housed foreign workers at their worksites or in cramped labor quarters.